



7/5/87

HM-
043-87

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director
2 Babcock Place
West Orange, N.J. 07052
201 - 669 - 3960

JUL 6 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Synkote Paine Co.
144-160 Van Riper Avenue
Elmwood Park, New Jersey 07407

RE: NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

Dear Sir:

There is enclosed for service upon you, a Notice of Civil Administrative Penalty Assessment issued by the New Jersey Department of Environmental Protection pursuant to the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

If you have any questions concerning this Notice of Civil Administrative Penalty Assessment, please contact Michael Hastry at (201) 669-3988.

Very truly yours,

Ronald T. Corcoran
Acting Assistant Director - Enforcement
Division of Hazardous Waste Management

Enclosure

cc. Bureau of Compliance and Technical Services
Division of Water Resources Enforcement
Metro Region Field Office
Bureau of Hazardous Waste Engineering
Bureau of Manifest & Information Systems
Mayor
Health Department
County Solid Waste Coordinator
Central File





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DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Treia, Ph.D., Acting Director

2 Babcock Place

West Orange, N.J. 07052

201 - 669 - 3960

JUL 6 1987

IN THE MATTER OF	:	NOTICE OF CIVIL ADMINISTRATIVE
Synkote Paint Co.	:	PENALTY ASSESSMENT
144-160 Van Riper Avenue	:	
Elmwood Park, New Jersey 07407	:	

This Notice of Civil Administrative Penalty Assessment is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq. and the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and duly delegated to the Assistant Director for Enforcement of the Division of Hazardous Waste Management pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. The New Jersey Department of Environmental Protection (hereinafter "the Department") has determined that Synkote Paint Company is a generator of hazardous waste (EPA ID# NJD001394089) as defined by N.J.A.C. 7:26-1.4 and is located at Block 164, Lot 1C, 144-160 Van Riper Avenue, Elmwood Park Borough, County of Bergen, State of New Jersey.
2. During the course of a routine manifest audit conducted at S & W Waste facility on June 4, 1986, a Departmental Representative noted that Synkote Paint Company failed to use the proper shipping description on hazardous waste manifest #NJA0191661; in violation of N.J.A.C. 7:26-7.4(e)1.
3. Based on the facts set forth in these FINDINGS, the Department has determined that Synkote Paint Company has violated the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and the regulations promulgated pursuant thereto, N.J.A.C. 7:26-1 et seq., specifically N.J.A.C. 7:26-7.4(e)1.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

4. Pursuant to N.J.S.A. 13:1E-9e and based upon the above FINDINGS, the Department has determined that a civil administrative penalty should be assessed against Synkote Paint Company in the amount of \$875.00.

5. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing, if any, or when this Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by certified check payable to "Treasurer, State of New Jersey" and shall be submitted to:

New Jersey Department of Environmental Protection
Bureau of Collections, Licensing and Management
Services - FMPGS
CN 402
Trenton, NJ 08625

6. If no request for a hearing is received within twenty (20) calendar days from receipt of this Notice of Civil Administrative Penalty Assessment, it shall become a final order upon the twenty-first calendar day following its receipt and the penalty shall be due and payable.

NOTICE OF RIGHT TO A HEARING

7. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 13:1E-9, Synkote Paint Company is entitled to an administrative hearing. Any hearing request shall be delivered to the address below within twenty (20) calendar days from the receipt of this Notice of Civil Administrative Penalty Assessment.

New Jersey Department of Environmental Protection
Division of Hazardous Waste Management
CN 028
Trenton, New Jersey 08625
Attention: Assistant Director for Enforcement

8. Synkote Paint Company shall, in its request for a hearing, furnish NJDEP with the following:
- a. A statement of the legal authority and jurisdiction under which the hearing or action to be taken is to be held;
 - b. A reference to the particular sections of the statutes and rules involved;
 - c. A short and plain statement of the matters of fact and law asserted;
 - d. The provisions of this Notice of Civil Administrative Penalty Assessment to which Synkote Paint Company objects, the reasons for such objections, and any alternative provisions proposed.

GENERAL PROVISIONS

9. This Notice of Civil Administrative Penalty Assessment is binding on Synkote Paint Company its principals, directors, officers, agents, successors, assigns, any trustee in bankruptcy or other trustees, and any receiver appointed pursuant to a proceeding in law or equity.
10. Notice is given that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial. By issuing this Notice of Civil Administrative Penalty Assessment the Department does not waive its rights to initiate additional enforcement actions.
11. No obligations imposed by this Notice of Civil Administrative Penalty Assessment (with the exception of paragraph 4, above) are intended to constitute a debt, damage claim, penalty or other civil action which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and environment.
12. Notice is given that pursuant to N.J.S.A. 13:1E-9e, the Department is authorized to assess a civil administrative penalty of not more than \$25,000.00 for each violation and additional penalties of not more than \$2,500.00 for each day during which the violation continues after receipt of an administrative order from the Department.
13. Notice is further given that pursuant to N.J.S.A. 13:1E-9f, any person who violates N.J.S.A. 13:1E-1 et seq. or any code, rule or regulation promulgated thereunder shall be liable to a penalty of not more than \$25,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation.
14. Notice is further given that pursuant to N.J.S.A. 13:1E-9f, any person who violates an administrative order issued pursuant to N.J.S.A. 13:1E-9c, or a court order issued pursuant to N.J.S.A. 13:1E-9d, or who fails to pay a civil administrative penalty in full after it is due shall be subject upon order of a court to a civil penalty not to exceed \$50,000.00 per day of such violation and each day's continuance of the violation shall constitute a separate violation.
15. Except as provided above in the Notice of a Right to a Hearing Section, this Notice of Civil Administrative Penalty Assessment shall be effective upon receipt.



Ronald T. Corcoran
Assistant Director - Enforcement
Division of Hazardous Waste Management